

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rajiv SHAH, et al.

Title: METHOD FOR FORMULATING A GLUCOSE OXIDASE ENZYME WITH A DESIRED PROPERTY OR PROPERTIES AND GLUCOSE OXIDASE ENZYME WITH THE DESIRED PROPERTY

Appl. No.: 10/035,918

Filing Date: 12/28/2001

Examiner: Yong D. Pak

Art Unit: 1652

Confirmation No.: 2208

REPLACEMENT SECTION FOR APPEAL BRIEF UNDER 37 CFR 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Notification of Non-Compliant Appeal Brief mailed October 8, 2008, concerning the above-referenced patent application.

Amendment to the Appeal Brief begins on page 2 of this document.

Please amend the Appeal Brief filed on September 23, 2008 as follows:

Amendment to the Appeal Brief:

In accordance with 37 C.F.R. 41.37(c) (1) (iii), below is a replacement section III (status of the claims):

III. Status Of The Claims

Claims 1, 3-8, 10-46, and 48-54 are pending in the application. Claims 25-43 and 48-54 have been withdrawn from consideration by the Examiner. Claims 2, 9, and 47 are cancelled.

Accordingly, claims 1, 3-8, 10-24 and 44-46 are pending and under consideration in the present application. Each of those claims is included in at least one of the rejections under general grounds identified in the Final Office Action and discussed in Sections VI. and VII., below.

The present appeal relates to each of the rejections and, thus, all of the rejected claims (i.e., claims 1, 3-8, 10-24 and 44-46).

In accordance with 37 C.F.R. 1.130, 1.131, or 1.132, please replace the accompanying appendix IX (evidence section) to the Appeal Brief.

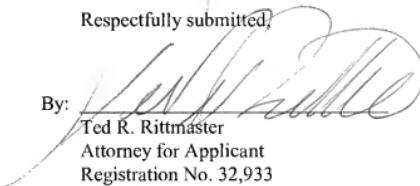
IX. Evidence Appendix

1. U.S. Patent 6,689,265 (Adam Heller et al.)
2. Glucose ENFET doped with MnO₂ powder (Li-Te Yin et al.)

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: 10/15/08
FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (213) 972-4500
Facsimile: (213) 486-0065

By: 
Ted R. Rittmaster
Attorney for Applicant
Registration No. 32,933